To be preserved for the present-

21/4/31

[G.R.S. IX—5]

Previous references.

1923
(RA

File No: 29-23

Serial Nos. 11, 20, 38

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Four

Part B for May 19 24.

SUBJECT

Appeal petition of Sri Baki Reddi of Nagasandra against the order of the Court Mahal, in rejecting his petition against the election proceedings of the RA from the Gorikindanur Rural Constituency held on 15-2-24.

Nof. 6274 & 17-5-24

To Sri Baki Reddy
Nagasandra

Rejects his appeal petition.

Ramaswamy Iyengar
19/5/24.

A1679

G. R. S. III—1] 1923-24

GENERAL AND REVENUE SECRETARIAT.

(RA)

NOTES.

File No. 29-23

FILE HEADING.

Appeals against elections to Reps: Assembly.

From Mr. Babi Reddy Son of Sankappa. Residing in Nagavandan, Goribidnur Taluk

No. Appeal petition Dated 6.3.24 Received 8/10.3.24

Diary No. 3926	Enclos. Two Spare Copies.	Serial No. 11

BRIEF ABSTRACT OF LETTER.

Appeals against the order of the Dy Comr. Kolar, in rejecting his petition against the election proceedings of the Reps: Assembly from the Goribidnur Rural constituency held on 15.2.1924 & requests that the order of the Dy Comr. may be reversed and a fresh election directed to be held.

NOTES AND ORDERS.

Submitted.

The petitioner states that (1) the Dy Comr. erred in holding that there was no material irregularity in the elections held for Reps in Goribidnur. (2) that the Dy Comr. erred in appreciating the evidence in the enquiry, while observing that it may be true that

NOTES—First Sheet.

G. R. S. III-2

General and Revenue Secretariat.

File No. 29 of 1923

3926 2
1/8
3930 (2

Serial No.

1. W. Anna Venkatappa the Returning Officer in the Polling Officer, is a partner with M. Shenoi Anjanappa, a successful candidate in trade. and (2) that the election proceedings have caused great hardship to the Voters in the Taluk.

3. He therefore requests that the order of the Dy Comr may be reversed and a fresh election may be directed to be held.

4. Submitted for orders if the petition may be forwarded to the Dy Comr Kolar at for report with the records.

5. Records with a report may be called for

11/3

Copy of petition sent to Bowman in the same matter in the Accountant's file. (83930)

6. Yes.

15/3

7. Draft submitted

17/3 18/3

For admitt

Rest 17/3

NOTE—Contn. sheet.

G. R. S. III-2]

4461 3

General and Revenue Secretariat. | R.A. File No. 29 of 1923. (3

Serial No. 20

To

The D.C. Kolar Dist.

Letter no. 5236 dated 19.3.24.

Forwarded the appeal petition with all its enclosures for a report with records very early.

38 From the Dy Comr Kolar dtd No: Dis. 330/22-23 dt 8.4.24

Returns the petition & its enclosures. Also records & enquiry & states that he has nothing to add to the order passed. Deals with the case fully. & submitted for perusal.

Attention is invited to the report of the Assistant Commissioner & the deposition of the Asst Engineer Mr Lakshmana-Chari who was the polling Officer Wherefrom it is seen that the the election was held properly - & that there were no irregularities in the election proceedings.

21.4.24 22. This is an appeal against the order of the Deputy Commr, declining to order a

NOTE—Contn. sheet.

Serial No.

re-election on the ground of material irregularity.

16 The appellant contended before the Deputy Commr., that,

(a) A number of voters who could not vote on the first day, left the place on the assurance that they may come and vote the next day,

(b) that after they left, attendance of the voters then present was taken, and they alone were allowed to vote the next day;

(c) that voting closed at 4 p.m. the next day, though some voters were still left to exercise their votes

(d) that the associate given to help the polling officer, was a partner of a successful candidate.

17 From the evidence & report of the polling officer (flags X & N) it is clear that no such assurance as stated in (a) was given, and that the names of all present were taken down, and that on the next day voting closed after all voters present has exercised their votes.

G. R. S. III-21

4451-P

5

General and Revenue Secretariat.

File No. 29 of 1923

Serial No.

Hargo A.P.

Appellants' own witnesses say that the Polling officers did not make two announcements viz sending some away with an assurance, and then changing their mind, taking down the names of those present. According to them, it was some servants who were responsible for the first assertion. There is no proof that any voters were not permitted to vote the next day, or that any voters who would have voted for the appellant, could not do so.

15 As regards the associate, there is nothing wrong in his having been a partner of the successful candidate, particularly as this was not known to the officers, and there is no complaint of his misbehaviour or trial at influencing the voters. The Deputy Comm's order (Hargo) is quite correct.

15 The appeals may be rejected.

Lt Hasey) 24/4

NOTE—Contn. sheet.

Serial No.

16 The main ground of irregularity alleged is that in consequence of two announcements made by the Polling Officer, the legitimate votes were not recorded. The allegation of the petitioner is that the Polling Officer announced immediately after the close of the election on the 15th of February that the remaining votes would be recorded the next day and that the voters might leave the premises. Subsequently he changed his mind, & called in the voters then present and took down their attendance and asked them to attend the next day. The result of this procedure was that some of the voters left the place immediately after the first announcement and in consequence were not present at the time when the attendance was taken and they were not allowed to vote the next day. The petitioner urges that about 500 votes were excluded by this irregularity.

17 I have carefully examined the evidence on record. The petitioner examined including himself six witnesses.

Flag N (1) Mr. Lakshmana Char, Assistant Engineer

Flag O (2) Venkatramanappa, Revenue Duffedar

Flag P (3) Patel Venkatasami Gowda

Flag Q (4) Patel Lakshmana Reddi

Flag R (5) D.Papanna

— A. (6) Petitioner.

Flag S 18 P.W.1 is the Polling Officer. He has given a version totally different from the version of the petitioner. He swears that he never made two - - - announcements, that at the close of the election on the 15th he took the attendance of voters present

NOTE—Contn. sheet.

Serial No.

and asked them to come the next day for voting and that only four voters whose attendance had not been noted on the 15th turned up on the 16th to record their votes and that he refused to record their votes on the ground that their names had not been included in the attendance register. Nothing has been shown in the cross-examination to impugn the ~~credit~~ veracity of this witness.

Flag Q

19. P.W.2 does not corroborate the petitioner; ~~and~~ and he says that under the orders of the Amildar he asked those who had not voted to get in. He does not say anything more. While he partially

Flag N

corroborates ~~the~~ P.W.1, he does not support the petitioner.

Flag V

20. P.W.3 says that at the close of the election on the 15th the remaining voters were told to come the next morning to record their votes at 9 A.M. "and that they were not told that before leaving they should have th ir attendance noted.". He further says that at 12 noon on the 16th he asked the Amildar to record the votes of 700 or 800 who were present and that the Amildar told him that he would ~~only~~ record the votes of only those who were present on the 15th. In the first place he does not fully corroborate the petitioner in that he does not speak ~~of~~ two announcements.

Flag P, W.

Secondly he is a defeated candidate like the petitioner and has put in an objection petition signed by himself and the petitioner. In that objection petition nothing has been stated as to the two announcements. His evidence is interested and

Serial No.

is not at all supported by probabilities.

Ex W — 21- P.W.4 deposes to the fact that after the peon informed that the voters might come the next day some 100 persons went away and that after they left the place, the attendance of the remaining persons was recorded. He says that on the 16th the votes of only those whose attendance was noted were recorded. He is also an unsuccessful candidate. He does not even ~~==~~ know who made the announcement. According to him it was the peon who made the announcement. ~~and that~~ he cannot identify him. This is not the version of the petitioner who says that it was the polling officer who made the two announcements.

Ex M — 22 P.W.5 distinctly says that he did not hear of any announcement of the postponement of voting on 15th. His evidence is not of any value to the petitioner.

23. In rebuttal of this evidence the opponents examined four witnesses.

Ex B — (1) Rame Gowda

Ex J — (2) Taluk Sheristedar Mr. Shama Rao

Ex I — (3) Shanbhog Narasingappa

Ex Z — (4) Nanjundiah Merchant

24. All these witnesses depose that at 5 P.M. on the 15th the remaining voters were called in by the Amildar and the Assistant Engineer and were told to attend the next day to record their votes and that their attendance was ~~xxxx~~ noted.

25- The real grievance of the petitioner is that about 500 voters who went away after the first announcement were precluded from voting on the 16th and in consequence he was prejudiced. I. is

NOTE—Contn. sheet.

R.A.

G. R. S. III-2.

4461/P (9)

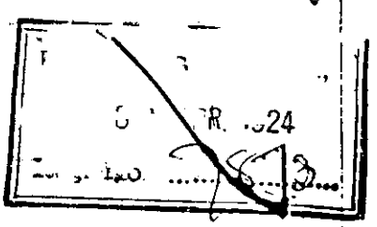
General and Revenue Secretariat.

R.A. File No. 29 of 1923.

Serial No.

significant to note that none of these voters was called and examined to support the version of the petitioner. Except the vague statement of P.W.3 no witness deposes to this effect. As already observed P.W.3 is interested. Thus there is no reliable evidence to show that there was any irregularity and that in consequence any ~~no~~ votes were excluded. The weight of evidence and the probabilities are therefore in favour of the finding of the Deputy Commissioner. The appeal may perhaps be rejected.

May 1



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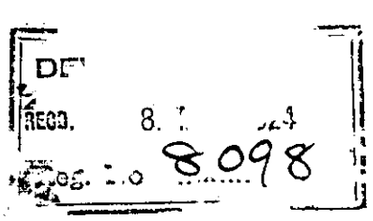


NOTE—Contn. sheet.

4461

(12 LO

G. R. S. III-21.

General and Revenue Secretariat.

R/A File No. 29 of 1923

Serial No.	
	3rd Draft Submitted — Issue E. Vde 15/5 — cay 15/5
47	To Mr. Babi Reddi Son of Sakrappa Residing in Nagasandra. Bombay Tk No. P. 6274 D 17.5.24: With reference to his appeal petition State that Govt after a careful perusal of the records agree with the finding of the D.C viz - that the election was in order and accordingly rejects the prayer.
	17/5

G. R. S. VI—G/32]

SUBJECT ..... Forwarding the petition of Mr Babi Reddy for report with records

Diary No. of letter replied to 3926

General and Revenue Secretariat
(RA)
, *the* 192 .

Date of issue 19-3-1924

Signed by C. A. Ghani

Section RA
File No. 29-23.
Serial No. 20.

No. P 5236
Encl.

To

The Deputy Commissioner
Kolar Dt

Sir,

I am directed to forward herewith for report with records — petition (with all its enclosures) of Mr. Babireddy son of Sakrappa residing in Nagavandra, Goribidnur Taluk appealing against the order of the Dy Commr: in the election proceedings of the Reh: Assembly from the Goribidnur Rural constituency

I have &c

over.

WD 0632-GPB—18000—10-8-23

CW (87)
18/3 for A. A. Secy

4461

31923

OFFICE OF THE DEPUTY COMMISSIONER,
KOLAR DISTRICT,

Dated, Kolar 8th April 1924.

No. K.C. 320 22-20
Enc. 2 Pts.

R.A. 29-23-38.

Recd 10/4/24

FROM V. Hirannaiya, Esq., M.A., B.L.,
DEPUTY COMMISSIONER,
Kolar District.

GEN. DEPT. 10 APR 1924 SEC.

To.
B. Nagappa, Esq., Bar-at-Law,
Secretary to Government of Mysore,
Local & Legislative Departments, Bangalore.

Sir,

With reference to your letter No:P.5236/RA.29-23-20 dated the 19th instant, forwarding for report with records the appeal petition of Mr. Babi reddi of Nagasandra, Goribidnur Taluk, against my decision on the election proceedings of the Representative Assembly elections from the Goribidnur rural constituency, I have the honor to retransmit the petition and its enclosures as also the records of enquiry.

2. I have nothing to add as the order passed deals with the case fully.

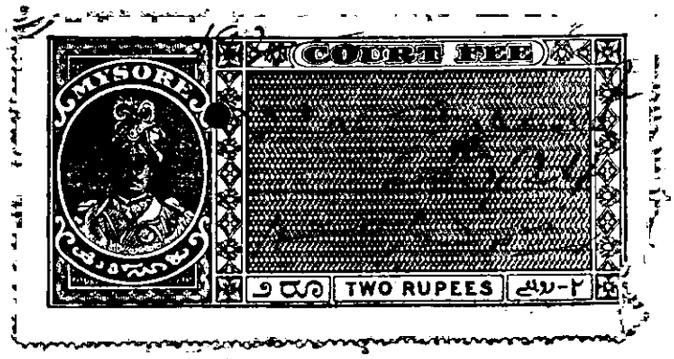
I have the honor to be,
S i r,
Your most obedient servant,

Treasury Asst. Commissioner,
Deputy Commissioner.

26390

13 3926 P

RA 29-23 Dec 4



BEFORE THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

Under No. P. 2600--Legis. 12-23-7

Dated 7th November 1923.

APPELLANT:- Babireddy, Son of Sakrappa,
Residing in Nagasandra,
Goribidnur Taluk.

.-*-"-*-"-.

Appd 10/3.

The Appellant begs to appeal against the Endorsement No. H.C. 320/22-23, dated 29th -- February 1924, granted by the Deputy-Commissioner, Kolar, on the following grounds among others:--

1. That the learned Deputy Commissioner erred in holding that there was no material irregularity in the Elections held for Representative -- Assembly in Goribidnur.

Flaw, O for [illegible]

2. While observing that it may be true that Nama Venkatappa -- the associate with the Polling Officer -- is with Shendi Anjanappa -- a successful candidate -- in the joint trade, the Deputy Commissioner erred in appreciating the Evidence in the Enquiry.

Flaw A 2, 3, 4 B

3. That the Evidence adduced satisfactorily establishes material irregularity.

4. That Election proceedings have caused great

great hardship to the Voters in the Taluk.

WHEREFORE, the Appellant prays that the order of the Deputy Commissioner be reversed and fresh election be kindly directed to be held.

Bangalore,
6th March 1924.

APPELLANT.

Office of the Deputy Commissioner, Kolar District,

H.C. 320/22-23.

Dated, Kolar the 29th Feb.1924.

REFERENCE:-

Petition dated 21-2-24 of Babireddi, Son of Sakkarappa, Vice President, Taluk Board, Goribidnur, against Election Proceedings of the D. R. Assembly from the Goribidnur, Constituency held on 15-12-1924.

E N D O R S E M E N T.

The Petitioner is hereby informed - that no irregularity was proved in the enquiry held on 26th instant and that his Petition is - therefore rejected.

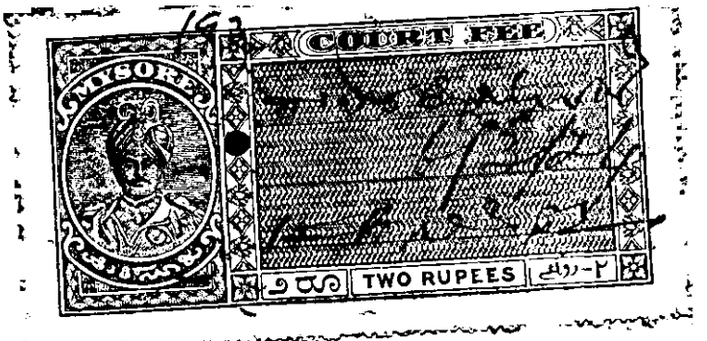
(Sd.) C. Suryanarayana Betti,

For Deputy Commissioner,

Kolar District.

H. S.

(Intd.) C.B.



16

ಮೈಲಿ ಕಾಳು ನ ರ್ನಿಗೆ

ಕೋರ್ಟಿಗೆ.

1923 — 192— ನೇ ನಂಬರು - ಓ.ಎಸ್. 6 ೧೧೮೮.

ವಾದಿ ಯಾ ಅರ್ಜೀದಾರ್.

ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್.

ಸಾ ಬ ರ ತಿ ಳ — VS. —

ಮ|| ರಾ|| ಬೇಲೂರು ಶ್ರೀನಿವಾಸಯ್ಯಂಗಾರ್, ಬಿ. ಎ. ಬಿ. ಎಲ್.,

ಮತ್ತು ಮ|| ರಾ|| ಕೆ. ಎಸ್. ಶ್ರೀನಿವಾಸ, ಎಂ. ಎ. ಎಲ್. ಎಲ್. ಬಿ., ಅಡ್ವೋಕೇಟ್‌ರವರಿಗೆ.

ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಫೈರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರಗಿಸುವದಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿಯೊಬಲಗು, ತಿಲ್ಕುವೊಬಲಗು ಸಹ ಪಡಿಯಲಿಕ್ಕೂ ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮ ಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ.

ಸಾ ಬ ರ ತಿ ಳ

ತಾರೀಖು 6. 3. 24 } ರುಜು

ಈ ಮೊಖ್ತಾ ಯರುನಾಮಾ ಕೊಟ್ಟವರು ನಮಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ಸಮಕ್ಷ ಮ ರುಜುಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಖ್ತಾ ಯರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇವೆ.

ಅಡ್ವೋಕೇಟರುಗಳು.

ಒಕ್ಕಲಿಗರ ಸಂಘ ಪ್ರೆಸ್, ಬೆಂಗಳೂರು AN—37—500-15-7-22.

G. R. S. VI—G/32]

SUBJECT ..... Rejects the Appeal petition of Sri Badireddi .....

Diary No. of letter replied to 4461

Section RA.
File No. 29-23
Serial No. 47

General and Revenue Secretariat
(RA)
, *the* 192 .

No. 6274

Date of issue ..... 17/5/24 .....

Signed by ..... M^M Lean .....

To Sri. M^s Badireddi
Son of Sakrappa
Residing in Nagavandla
Goribidnur Taluk

In reply to his petition
dt 6. 3. 1924 appealing
against the order of the
Deputy Commissioner, Kolar
in the matter of the elect
of M^s Esoor Shendi Anjanapp
and Shanthoj Venkataramana
to the Representative
Assembly from the

over.

W D 0632 - GPB—1800—16-8-23

18

Gorikhdunga Rural Constituency on the ground of material irregularities in the election proceedings, M/s Babi Reddi is informed that Government on a perusal of the records connected with the above election and a careful consideration of the grounds urged in appeal agree with the finding of the Deputy Commissioner, that the election was in order & therefore the appeal petition accordingly is rejected.

By order,

List of enclosures.

cwj 17/5 For Secretary to Govt
L & L Depart.

Roc 275 Encls 17/5/24

Copy of the above is forwarded to the Dy Comr Kolar for information with reference to his letter No: M 320/22-23 dated 8-4-24 & the records of enquiry received therewith are also returned.

Copied by

Examined by

By order,
for L & L Secy